

REFERENCE TITLE: **expansion; full-day kindergarten.**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2678

Introduced by
Representatives Lujan, Burton Cahill, Cajero Bedford, Gallardo, Garcia M,
Kirkpatrick, Landrum Taylor, Lopez L, Meza, Sinema, Senator Miranda:
Representatives Alvarez, Hershberger, Prezelski

AN ACT

**AMENDING SECTIONS 15-701, 15-901 AND 15-901.02, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL FINANCE.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-701, Arizona Revised Statutes, is amended to
3 read:

4 15-701. Common school; promotions; requirements; certificate;
5 supervision of eighth grades by superintendent of
6 high school district; high school admissions;
7 academic credit

8 A. The state board of education shall:

9 1. Prescribe a minimum course of study, as defined in section 15-101
10 and incorporating the academic standards adopted by the state board of
11 education, to be taught in the common schools. THE STATE BOARD OF EDUCATION
12 SHALL ADOPT GUIDELINES FOR SCHOOL DISTRICTS TO ASSESS WHETHER THE SCHOOL
13 DISTRICT'S CURRICULUM FOR KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH FOUR
14 CONFORMS TO THE ACADEMIC STANDARDS PRESCRIBED PURSUANT TO THIS PARAGRAPH.

15 2. Prescribe competency requirements for the promotion of pupils from
16 the eighth grade and competency requirements for the promotion of pupils from
17 the third grade incorporating the academic standards in at least the areas of
18 reading, writing, mathematics, science and social studies.

19 3. Distribute guidelines for the school districts to follow in
20 prescribing criteria for the promotion of pupils from grade to grade in the
21 common schools. These guidelines shall include recommended procedures for
22 ~~insuring~~ ENSURING that the cultural background of a pupil is taken into
23 consideration when criteria for promotion are being applied.

24 B. Pursuant to the guidelines which the state board of education
25 distributes, the governing board of a school district shall:

26 1. Prescribe curricula that include the academic standards in the
27 required subject areas pursuant to subsection A, paragraph 1 of this section.

28 2. Prescribe criteria for the promotion of pupils from grade to grade
29 in the common schools in the school district. These criteria shall include
30 accomplishment of the academic standards in at least reading, writing,
31 mathematics, science and social studies, as determined by district
32 assessment. Other criteria may include additional measures of academic
33 achievement and attendance.

34 C. The governing board may prescribe the course of study and
35 competency requirements for promotion which are in addition to or higher than
36 the course of study and competency requirements which the state board
37 prescribes.

38 D. A teacher shall determine whether to promote or retain a pupil in
39 grade in a common school as provided in section 15-521, paragraph 3 on the
40 basis of the prescribed criteria. The governing board, if it reviews the
41 decision of a teacher to promote or retain a pupil in grade in a common
42 school as provided in section 15-342, paragraph 11, shall base its decision
43 on the prescribed criteria.

44 E. A governing board may provide and issue certificates of promotion
45 to pupils whom it promotes from the eighth grade of a common school. Such

1 certificates shall be signed by the principal or superintendent of schools.
 2 Where there is no principal or superintendent of schools, the certificates
 3 shall be signed by the teacher of an eighth grade. The certificates shall
 4 admit the holders to any high school in the state.

5 F. A governing board may request certificates of promotion from the
 6 county school superintendent. If a governing board requests these
 7 certificates from the county school superintendent, the county school
 8 superintendent shall furnish and sign the certificates.

9 G. Within any high school district or union high school district, the
 10 superintendent of the high school district shall supervise the work of the
 11 eighth grade of all schools employing no superintendent or principal.

12 H. A school district shall not deny a pupil who is between the ages of
 13 sixteen and twenty-one years admission to a high school because the pupil
 14 does not hold an eighth grade certificate. Governing boards shall establish
 15 procedures for determining the admissibility of pupils who are under sixteen
 16 years of age and who do not hold eighth grade certificates.

17 I. The state board of education shall adopt rules to allow common
 18 school pupils who can demonstrate competency in a particular academic course
 19 or subject to obtain academic credit for the course or subject without
 20 enrolling in the course or subject.

21 Sec. 2. Section 15-901, Arizona Revised Statutes, is amended to read:

22 15-901. Definitions

23 A. In this title, unless the context otherwise requires:

24 1. "Average daily attendance" or "ADA" means actual average daily
 25 attendance through the first one hundred days or two hundred days in session,
 26 as applicable.

27 2. "Average daily membership" means the total enrollment of fractional
 28 students and full-time students, minus withdrawals, of each school day
 29 through the first one hundred days or two hundred days in session, as
 30 applicable, for the current year. Withdrawals include students formally
 31 withdrawn from schools and students absent for ten consecutive school days,
 32 except for excused absences as identified by the department of education.
 33 For computation purposes, the effective date of withdrawal shall be
 34 retroactive to the last day of actual attendance of the student.

35 (a) "Fractional student" means:

36 (i) For common schools, ~~until fiscal year 2001-2002,~~ a preschool child
 37 who is enrolled in a program for preschool children with disabilities of at
 38 least three hundred sixty minutes each week or a kindergarten student at
 39 least five years of age prior to January 1 of the school year and enrolled in
 40 a school kindergarten program that meets at least three hundred ~~forty-six~~
 41 FIFTY-SIX instructional hours during the minimum number of days required in a
 42 school year as provided in section 15-341. ~~In fiscal year 2001-2002, the~~
 43 ~~kindergarten program shall meet at least three hundred forty-eight hours. In~~
 44 ~~fiscal year 2002-2003, the kindergarten program shall meet at least three~~
 45 ~~hundred fifty hours. In fiscal year 2003-2004, the kindergarten program~~

~~shall meet at least three hundred fifty two hours. In fiscal year 2004-2005, the kindergarten program shall meet at least three hundred fifty four hours. In fiscal year 2005-2006 and each fiscal year thereafter, the kindergarten program shall meet at least three hundred fifty six hours.~~ Lunch periods and recess periods may not be included as part of the instructional hours unless the child's individualized education program requires instruction during those periods and the specific reasons for such instruction are fully documented. **UNTIL FISCAL YEAR 2006-2007**, in computing the average daily membership, preschool children with disabilities and kindergarten students shall be counted as one-half of a full-time student. **BEGINNING IN FISCAL YEAR 2006-2007, EACH KINDERGARTEN STUDENT SHALL BE COUNTED AS A FULL-TIME STUDENT.** For common schools, a part-time student is a student enrolled for less than the total time for a full-time student as defined in this section. A part-time common school student shall be counted as one-fourth, one-half or three-fourths of a full-time student if the student is enrolled in an instructional program that is at least one-fourth, one-half or three-fourths of the time a full-time student is enrolled as defined in subdivision (b) of this paragraph.

(ii) For high schools, a part-time student who is enrolled in less than four subjects that count toward graduation as defined by the state board of education in a recognized high school and who is taught in less than twenty instructional hours per week prorated for any week with fewer than five school days. A part-time high school student shall be counted as one-fourth, one-half or three-fourths of a full-time student if the student is enrolled in an instructional program that is at least one-fourth, one-half or three-fourths of a full-time instructional program as defined in subdivision (c) of this paragraph.

(b) "Full-time student" means:

(i) For common schools, **UNTIL FISCAL YEAR 2007-2008**, a student who is at least six years of age prior to January 1 of a school year, who has not graduated from the highest grade taught in the school district and who is regularly enrolled in a course of study required by the state board of education, **AND BEGINNING IN FISCAL YEAR 2007-2008, A STUDENT WHO IS AT LEAST FIVE YEARS OF AGE PRIOR TO JANUARY 1 OF A SCHOOL YEAR, WHO HAS NOT GRADUATED FROM THE HIGHEST GRADE TAUGHT IN THE SCHOOL DISTRICT AND WHO IS REGULARLY ENROLLED IN A COURSE OF STUDY REQUIRED BY THE STATE BOARD OF EDUCATION. BEGINNING IN FISCAL YEAR 2007-2008, EACH KINDERGARTEN STUDENT SHALL BE COUNTED AS A FULL-TIME STUDENT.** ~~Until fiscal year 2001-2002,~~ First, second and third grade students, ungraded students at least six, but under nine, years of age by September 1 or ungraded group B children with disabilities who are at least five, but under six, years of age by September 1 must be enrolled in an instructional program that meets for a total of at least ~~six hundred ninety-two~~ **SEVEN HUNDRED TWELVE** hours during the minimum number of days required in a school year as provided in section 15-341. ~~In fiscal year 2001-2002, the program shall meet at least six hundred ninety-six hours. In~~

~~fiscal year 2002-2003, the program shall meet at least seven hundred hours.~~
~~In fiscal year 2003-2004, the program shall meet at least seven hundred four~~
~~hours. In fiscal year 2004-2005, the program shall meet at least seven~~
~~hundred eight hours. In fiscal year 2005-2006 and in each fiscal year~~
~~thereafter, the program shall meet at least seven hundred twelve hours.~~
~~Until fiscal year 2001-2002,~~ Fourth, fifth and sixth grade students or
 ungraded students at least nine, but under twelve, years of age by September
 1 must be enrolled in an instructional program that meets for a total of at
 least eight hundred ~~sixty five~~ NINETY hours during the minimum number of
 school days required in a school year as provided in section 15-341. ~~In~~
~~fiscal year 2001-2002, the program shall meet at least eight hundred seventy~~
~~hours. In fiscal year 2002-2003, the program shall meet at least eight~~
~~hundred seventy-five hours. In fiscal year 2003-2004, the program shall meet~~
~~at least eight hundred eighty hours. In fiscal year 2004-2005, the program~~
~~shall meet at least eight hundred eighty-five hours. In fiscal year 2005-2006~~
~~and each fiscal year thereafter, the program shall meet at least eight~~
~~hundred ninety hours. Until fiscal year 2001-2002,~~ Seventh and eighth grade
 students or ungraded students at least twelve, but under fourteen, years of
 age by September 1 must be enrolled in an instructional program that meets
 for a total of at least one thousand ~~thirty-eight~~ SIXTY-EIGHT hours during
 the minimum number of days required in a school year as provided in section
 15-341. ~~In fiscal year 2001-2002, the program shall meet at least one~~
~~thousand forty-four hours. In fiscal year 2002-2003, the program shall meet~~
~~at least one thousand fifty hours. In fiscal year 2003-2004, the program~~
~~shall meet at least one thousand fifty six hours. In fiscal year 2004-2005,~~
~~the program shall meet at least one thousand sixty two hours. In fiscal year~~
~~2005-2006 and each fiscal year thereafter, the program shall meet at least~~
~~one thousand sixty-eight hours.~~ Lunch periods and recess periods may not be
 included as part of the instructional hours unless the student is a child
 with a disability and the child's individualized education program requires
 instruction during those periods and the specific reasons for such
 instruction are fully documented.

(ii) For high schools, a student not graduated from the highest grade
 taught in the school district, or an ungraded student at least fourteen years
 of age by September 1, and enrolled in at least a full-time instructional
 program of subjects that count toward graduation as defined by the state
 board of education in a recognized high school. A full-time student shall
 not be counted more than once for computation of average daily membership.

(iii) For homebound or hospitalized, a student receiving at least four
 hours of instruction per week.

(c) "Full-time instructional program" means:

~~(i) Through fiscal year 2000-2001, at least four subjects, each of~~
~~which, if taught each school day for the minimum number of days required in a~~
~~school year, would meet a minimum of one hundred twenty hours a year, or the~~
~~equivalent, or one or more subjects taught in amounts of time totaling at~~

~~least twenty hours per week prorated for any week with fewer than five school days.~~

~~(ii) For fiscal year 2001-2002, an instructional program that meets at least a total of seven hundred four hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty two hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.~~

~~(iii) For fiscal year 2002-2003, an instructional program that meets at least a total of seven hundred eight hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty two hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.~~

~~(iv) For fiscal year 2003-2004, an instructional program that meets at least a total of seven hundred twelve hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.~~

~~(v) For fiscal year 2004-2005, an instructional program that meets at least a total of seven hundred sixteen hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.~~

~~(vi) For fiscal year 2005-2006 and each fiscal year thereafter, an instructional program that meets at least a total of seven hundred twenty hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.~~

3. "Budget year" means the fiscal year for which the school district is budgeting and which immediately follows the current year.

4. "Common school district" means a political subdivision of this state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and grades one through eight.

1 5. "Current year" means the fiscal year in which a school district is
2 operating.

3 6. "Daily attendance" means:

4 (a) For common schools, days in which a pupil:

5 (i) Of a kindergarten program or ungraded, but not group B children
6 with disabilities, and at least five, but under six, years of age by
7 September 1 attends at least three-quarters of the instructional time
8 scheduled for the day. If the total instruction time scheduled for the year
9 is at least three hundred forty-six hours but is less than six hundred
10 ninety-two hours such attendance shall be counted as one-half day of
11 attendance. If the instructional time scheduled for the year is at least six
12 hundred ninety-two hours, "daily attendance" means days in which a pupil
13 attends at least one-half of the instructional time scheduled for the day.
14 UNTIL FISCAL YEAR 2007-2008, such attendance shall be counted as one-half day
15 of attendance. BEGINNING IN FISCAL YEAR 2007-2008, SUCH ATTENDANCE FOR A
16 KINDERGARTEN STUDENT SHALL BE COUNTED AS ONE DAY OF ATTENDANCE.

17 (ii) Of the first, second or third grades, ungraded and at least six,
18 but under nine, years of age by September 1 or ungraded group B children with
19 disabilities and at least five, but under six, years of age by September 1
20 attends more than three-quarters of the instructional time scheduled for the
21 day.

22 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
23 nine, but under twelve, years of age by September 1 attends more than
24 three-quarters of the instructional time scheduled for the day, except as
25 provided in section 15-797.

26 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
27 but under fourteen, years of age by September 1 attends more than
28 three-quarters of the instructional time scheduled for the day, except as
29 provided in section 15-797.

30 (b) For common schools, the attendance of a pupil at three-quarters or
31 less of the instructional time scheduled for the day shall be counted as
32 follows, except as provided in section 15-797 and except that attendance for
33 a fractional student shall not exceed the pupil's fractional membership:

34 (i) If attendance for all pupils in the school is based on quarter
35 days, the attendance of a pupil shall be counted as one-fourth of a day's
36 attendance for each one-fourth of full-time instructional time attended.

37 (ii) If attendance for all pupils in the school is based on half days,
38 the attendance of at least three-quarters of the instructional time scheduled
39 for the day shall be counted as a full day's attendance and attendance at a
40 minimum of one-half but less than three-quarters of the instructional time
41 scheduled for the day equals one-half day of attendance.

42 (c) For common schools, the attendance of a preschool child with
43 disabilities shall be counted as one-fourth day's attendance for each
44 thirty-six minutes of attendance not including lunch periods and recess
45 periods, except as provided in paragraph 2, subdivision (a), item (i) of this

subsection for children with disabilities up to a maximum of three hundred sixty minutes each week.

(d) For high schools or ungraded schools in which the pupil is at least fourteen years of age by September 1, the attendance of a pupil shall not be counted as a full day unless the pupil is actually and physically in attendance and enrolled in and carrying four subjects, each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty hours a year, or the equivalent, that count toward graduation in a recognized high school except as provided in section 15-797 and subdivision (e) of this paragraph. Attendance of a pupil carrying less than the load prescribed shall be prorated.

(e) For high schools or ungraded schools in which the pupil is at least fourteen years of age by September 1, the attendance of a pupil may be counted as one-fourth of a day's attendance for each sixty minutes of instructional time in a subject that counts toward graduation, except that attendance for a pupil shall not exceed the pupil's full or fractional membership.

(f) For homebound or hospitalized, a full day of attendance may be counted for each day during a week in which the student receives at least four hours of instruction.

(g) For school districts which maintain school for an approved year-round school year operation, attendance shall be based on a computation, as prescribed by the superintendent of public instruction, of the one hundred eighty days' equivalency or two hundred days' equivalency, as applicable, of instructional time as approved by the superintendent of public instruction during which each pupil is enrolled.

7. "Daily route mileage" means the sum of:

(a) The total number of miles driven daily by all buses of a school district while transporting eligible students from their residence to the school of attendance and from the school of attendance to their residence on scheduled routes approved by the superintendent of public instruction.

(b) The total number of miles driven daily on routes approved by the superintendent of public instruction for which a private party, a political subdivision or a common or a contract carrier is reimbursed for bringing an eligible student from the place of his residence to a school transportation pickup point or to the school of attendance and from the school transportation scheduled return point or from the school of attendance to his residence. Daily route mileage includes the total number of miles necessary to drive to transport eligible students from and to their residence as provided in this paragraph.

8. "District support level" means the base support level plus the transportation support level.

9. "Eligible students" means:

(a) Students who are transported by or for a school district and who qualify as full-time students or fractional students, except students for whom transportation is paid by another school district or a county school superintendent, and:

(i) For common school students, whose place of actual residence within the school district is more than one mile from the school facility of attendance or students who are admitted pursuant to section 15-816.01 and who meet the economic eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1785) for free or reduced price lunches and whose actual place of residence outside the school district boundaries is more than one mile from the school facility of attendance.

(ii) For high school students, whose place of actual residence within the school district is more than one and one-half miles from the school facility of attendance or students who are admitted pursuant to section 15-816.01 and who meet the economic eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1785) for free or reduced price lunches and whose actual place of residence outside the school district boundaries is more than one and one-half miles from the school facility of attendance.

(b) Kindergarten students, for purposes of computing the number of eligible students under subdivision (a), item (i) of this paragraph, shall be counted as full-time students, notwithstanding any other provision of law.

(c) Children with disabilities, as defined by section 15-761, who are transported by or for the school district or who are admitted pursuant to chapter 8, article 1.1 of this title and who qualify as full-time students or fractional students regardless of location or residence within the school district or children with disabilities whose transportation is required by the pupil's individualized education program.

(d) Students whose residence is outside the school district and who are transported within the school district on the same basis as students who reside in the school district.

10. "Enrolled" or "enrollment" means when a pupil is currently registered in the school district.

11. "GDP price deflator" means the average of the four implicit price deflators for the gross domestic product reported by the United States department of commerce for the four quarters of the calendar year.

12. "High school district" means a political subdivision of this state offering instruction to students for grades nine through twelve or that portion of the budget of a common school district which is allocated to teaching high school subjects with permission of the state board of education.

13. "Revenue control limit" means the base revenue control limit plus the transportation revenue control limit.

1 14. "Student count" means average daily membership as prescribed in
2 this subsection for the fiscal year prior to the current year, except that
3 for the purpose of budget preparation student count means average daily
4 membership as prescribed in this subsection for the current year.

5 15. "Submit electronically" means submitted in a format and in a manner
6 prescribed by the department of education.

7 16. "Total bus mileage" means the total number of miles driven by all
8 buses of a school district during the school year.

9 17. "Total students transported" means all eligible students
10 transported from their place of residence to a school transportation pickup
11 point or to the school of attendance and from the school of attendance or
12 from the school transportation scheduled return point to their place of
13 residence.

14 18. "Unified school district" means a political subdivision of the
15 state offering instruction to students in programs for preschool children
16 with disabilities and kindergarten programs and grades one through twelve.

17 B. In this title, unless the context otherwise requires:

18 1. "Base" means the revenue level per student count specified by the
19 legislature.

20 2. "Base level" means ~~+~~

21 ~~(a) For fiscal year 2004-2005, two thousand eight hundred ninety-three~~
22 ~~dollars eighteen cents.~~

23 ~~(b)~~ , for fiscal year 2005-2006, three thousand one dollars.

24 3. "Base revenue control limit" means the base revenue control limit
25 computed as provided in section 15-944.

26 4. "Base support level" means the base support level as provided in
27 section 15-943.

28 5. "Certified teacher" means a person who is certified as a teacher
29 pursuant to the rules adopted by the state board of education, who renders
30 direct and personal services to school children in the form of instruction
31 related to the school district's educational course of study and who is paid
32 from the maintenance and operation section of the budget.

33 6. "ED, MIMR, SLD, SLI and OHI" means programs for children with
34 emotional disabilities, mild mental retardation, a specific learning
35 disability, a speech/language impairment and other health impairments.

36 7. "ED-P" means programs for children with emotional disabilities who
37 are enrolled in private special education programs as prescribed in section
38 15-765, subsection D, paragraph 1 or in an intensive school district program
39 as provided in section 15-765, subsection D, paragraph 2.

40 8. "ELL" means English learners who do not speak English or whose
41 native language is not English, who are not currently able to perform
42 ordinary classroom work in English and who are enrolled in an English
43 language education program pursuant to sections 15-751, 15-752 and 15-753.

44 9. "Full-time equivalent certified teacher" or "FTE certified teacher"
45 means for a certified teacher the following:

1 (a) If employed full time as defined in section 15-501, 1.00.

2 (b) If employed less than full time, multiply 1.00 by the percentage
3 of a full school day, or its equivalent, or a full class load, or its
4 equivalent, for which the teacher is employed as determined by the governing
5 board.

6 10. "Group A" means educational programs for career exploration, a
7 specific learning disability, an emotional disability, mild mental
8 retardation, remedial education, a speech/language impairment, homebound,
9 bilingual, preschool moderate delay, preschool speech/language delay, other
10 health impairments and gifted pupils.

11 11. "Group B" means educational improvements for pupils in kindergarten
12 programs and grades one through three, educational programs for autism, a
13 hearing impairment, moderate mental retardation, multiple disabilities,
14 multiple disabilities with severe sensory impairment, orthopedic impairments,
15 preschool severe delay, severe mental retardation and emotional disabilities
16 for school age pupils enrolled in private special education programs or in
17 school district programs for children with severe disabilities or visual
18 impairment and English learners enrolled in a program to promote English
19 language proficiency pursuant to section 15-752.

20 12. "HI" means programs for pupils with hearing impairment.

21 13. "Homebound" or "hospitalized" means a pupil who is capable of
22 profiting from academic instruction but is unable to attend school due to
23 illness, disease, accident or other health conditions, who has been examined
24 by a competent medical doctor and who is certified by that doctor as being
25 unable to attend regular classes for a period of not less than three school
26 months or a pupil who is capable of profiting from academic instruction but
27 is unable to attend school regularly due to chronic or acute health problems,
28 who has been examined by a competent medical doctor and who is certified by
29 that doctor as being unable to attend regular classes for intermittent
30 periods of time totaling three school months during a school year. The
31 medical certification shall state the general medical condition, such as
32 illness, disease or chronic health condition, that is the reason that the
33 pupil is unable to attend school. Homebound or hospitalized includes a
34 student who is unable to attend school for a period of less than three months
35 due to a pregnancy if a competent medical doctor, after an examination,
36 certifies that the student is unable to attend regular classes due to risk to
37 the pregnancy or to the student's health.

38 14. "K-3" means kindergarten programs and grades one through three.

39 15. "MD-R, A-R and SMR-R" means resource programs for pupils with
40 multiple disabilities, autism and severe mental retardation.

41 16. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils
42 with multiple disabilities, autism and severe mental retardation.

43 17. "MDSSI" means a program for pupils with multiple disabilities with
44 severe sensory impairment.

45 18. "MOMR" means programs for pupils with moderate mental retardation.

1 19. "OI-R" means a resource program for pupils with orthopedic
2 impairments.

3 20. "OI-SC" means a self-contained program for pupils with orthopedic
4 impairments.

5 21. "PSD" means preschool programs for children with disabilities as
6 provided in section 15-771.

7 22. "P-SD" means programs for children who meet the definition of
8 preschool severe delay as provided in section 15-771.

9 23. "Qualifying tax rate" means the qualifying tax rate specified in
10 section 15-971 applied to the assessed valuation used for primary property
11 taxes.

12 24. "Small isolated school district" means a school district which
13 meets all of the following:

14 (a) Has a student count of fewer than six hundred in kindergarten
15 programs and grades one through eight or grades nine through twelve.

16 (b) Contains no school which is fewer than thirty miles by the most
17 reasonable route from another school, or, if road conditions and terrain make
18 the driving slow or hazardous, fifteen miles from another school which
19 teaches one or more of the same grades and is operated by another school
20 district in this state.

21 (c) Is designated as a small isolated school district by the
22 superintendent of public instruction.

23 25. "Small school district" means a school district which meets all of
24 the following:

25 (a) Has a student count of fewer than six hundred in kindergarten
26 programs and grades one through eight or grades nine through twelve.

27 (b) Contains at least one school which is fewer than thirty miles by
28 the most reasonable route from another school which teaches one or more of
29 the same grades and is operated by another school district in this state.

30 (c) Is designated as a small school district by the superintendent of
31 public instruction.

32 26. "Transportation revenue control limit" means the transportation
33 revenue control limit computed as prescribed in section 15-946.

34 27. "Transportation support level" means the support level for pupil
35 transportation operating expenses as provided in section 15-945.

36 28. "VI" means programs for pupils with visual impairments.

37 29. "Voc. Ed." means career and technical education and vocational
38 education programs, as defined in section 15-781.

39 Sec. 3. Section 15-901.02, Arizona Revised Statutes, is amended to
40 read:

41 15-901.02. Full-day kindergarten instruction; full-day
42 kindergarten fund

43 A. A school or charter school that is provided and accepts monies
44 pursuant to this section for full-day kindergarten shall offer full-day
45 kindergarten instruction to all pupils who meet the enrollment requirements

1 for kindergarten programs. Parents of pupils who meet the enrollment
2 requirements for voluntary kindergarten programs in a school or charter
3 school that is required to provide full-day kindergarten instruction shall
4 choose either half-day kindergarten instruction or full-day kindergarten
5 instruction.

6 ~~B. The legislature shall develop a plan, including capital monies, to~~
7 ~~provide statewide full day kindergarten instruction by fiscal year~~
8 ~~2009-2010.~~

9 B. FOR FISCAL YEAR 2006-2007 AND EACH FISCAL YEAR THEREAFTER, EACH
10 KINDERGARTEN PUPIL SHALL BE COUNTED AS A FULL-TIME STUDENT IN ALL SCHOOL
11 DISTRICTS AND CHARTER SCHOOLS, SUBJECT TO LEGISLATIVE APPROPRIATION.

12 C. The school district or charter school shall receive monies for
13 full-day kindergarten pursuant to this section for each pupil who attends
14 kindergarten instruction.

15 D. The full-day kindergarten fund is established consisting of monies
16 appropriated to the department of education for this purpose. The department
17 of education shall administer the fund. If there are insufficient monies
18 available in the fund to provide full funding pursuant to this section, the
19 department of education shall prorate the amount per pupil distributed to
20 each school district and charter school that is eligible to receive monies
21 from the fund. The amount budgeted by the school district or charter school
22 pursuant to this section shall not be included in the allowable budget
23 balance carryforward calculated pursuant to section 15-943.01. ~~The full-day~~
24 ~~kindergarten fund terminates on July 1, 2009, and any unencumbered monies~~
25 ~~remaining in the fund on that date shall be transferred to the state general~~
26 ~~fund.~~

27 E. Monies in the full-day kindergarten fund are continuously
28 appropriated and are exempt from the provisions of section 35-190 relating to
29 lapsing of appropriations, and the allocation to each charter school and
30 school district for a fiscal year shall equal the per pupil amount
31 established in this section for the fiscal year multiplied by the weighted
32 student count for the school district or charter school for the fiscal year
33 pursuant to section 15-943, paragraph 2, subdivision (a). For the purposes
34 of this subsection, the weighted student count for a school district that
35 serves as the district of attendance for nonresident pupils shall be
36 increased to include nonresident pupils who attend school in the school
37 district.

38 F. Monies distributed from the full-day kindergarten fund shall be
39 spent only for full-day kindergarten instruction.

40 G. School districts and charter schools that receive monies from the
41 full-day kindergarten fund shall submit a report to the superintendent of
42 public instruction on a per school basis that provides an accounting of the
43 expenditures of monies distributed from the fund during the school year, a
44 description of any professional development required under this section,
45 class size and any district class size policies, data collected from state or

1 district assessments of kindergarten pupils in both full-day and half-day
2 programs, the number of pupils, the number of pupils not served and the
3 reasons those pupils were not served and other information determined by the
4 department of education and the office of the auditor general. The
5 department of education in conjunction with the auditor general shall
6 prescribe the format and due date of the report required under this
7 subsection.

8 H. School districts and charter schools that receive monies from the
9 full-day kindergarten fund shall receive these monies monthly in an amount
10 not to exceed one-twelfth of the monies estimated pursuant to subsection C of
11 this section, except that if there are insufficient monies in the fund that
12 month to make payments, the distribution for that month shall be prorated for
13 each school district or charter school. The department of education may make
14 an additional payment in the current month for any prior month or months in
15 which school districts or charter schools received a prorated payment if
16 there are sufficient monies in the fund that month for the additional
17 payments. The state is not required to make payments to a school district or
18 charter school full-day kindergarten fund if the monies in the state full-day
19 kindergarten fund are insufficient to meet the estimated allocations to
20 school districts and charter schools pursuant to subsection C of this
21 section.

22 I. The Arizona state schools for the deaf and the blind shall receive
23 monies from the full-day kindergarten fund in the same manner as school
24 districts and charter schools. The Arizona state schools for the deaf and
25 the blind are subject to this section in the same manner as school districts
26 and charter schools.

27 J. Each school district and charter school shall establish a local
28 level full-day kindergarten fund to receive allocations from the state level
29 full-day kindergarten fund. The local level full-day kindergarten fund shall
30 be a budgetary controlled account. Interest charges for any registered
31 warrants for the local level full-day kindergarten fund shall be a charge
32 against the local level full-day kindergarten fund. Interest earned on
33 monies in the local level full-day kindergarten fund shall be added to the
34 local level full-day kindergarten fund. This state shall not be required to
35 make payments to a school district or charter school local level full-day
36 kindergarten fund that are in addition to monies appropriated to the state
37 level full-day kindergarten fund.

38 K. If the state board of education, the department of education, the
39 auditor general or the attorney general determines that a school district is
40 substantially and deliberately not in compliance with this title, and if the
41 school district has failed to correct the deficiency within ninety days after
42 receiving notice from the department of education, the state board of
43 education may direct the superintendent of public instruction, pursuant to
44 state board of education rules, to withhold the monies the school district
45 would otherwise be entitled to receive from the full-day kindergarten fund

1 from the date of the determination of noncompliance until the department of
2 education determines that the school district is in compliance with this
3 title.

4 L. If the sponsor of the charter school determines at a public meeting
5 that the charter school is not in compliance with federal law, with the laws
6 of this state or with its charter, the sponsor of a charter school shall
7 notify the department of education to withhold the monies that the charter
8 school would otherwise be entitled to receive from the full-day kindergarten
9 fund. The sponsor shall provide written notice to the charter school at
10 least seventy-two hours before the meeting and shall allow the charter school
11 to respond to the allegations of noncompliance at the meeting before the
12 sponsor makes a final determination to notify the department of education of
13 noncompliance. When the sponsor determines that the charter school is in
14 compliance, the department of education shall restore the amount of monies
15 that the charter school is entitled to receive from the full-day kindergarten
16 fund.

17 M. Schools are not required to offer full-day kindergarten instruction
18 to qualifying students if there is insufficient classroom space. Schools
19 shall not accept monies from the full-day kindergarten fund if space
20 limitations result in class sizes that exceed the average class size of the
21 district or charter school.

22 N. All schools that accept monies from the full-day kindergarten fund
23 shall provide professional development that is directly related to the
24 delivery of kindergarten standards in a full-day program. Any school that
25 has not yet undergone professional development for implementation of the
26 delivery of a research-based reading curriculum as prescribed in section
27 15-704 may not receive money from the full-day kindergarten fund until this
28 training has been received by the kindergarten instructors on staff.

29 O. For any school district that funds voluntary full-day kindergarten
30 instruction with monies from a desegregation levy or a special budget
31 override pursuant to section 15-482 and that qualifies for monies from the
32 full-day kindergarten fund and if the desegregation monies or special budget
33 override monies are used solely to provide full-day kindergarten instruction,
34 the governing board shall hold a public meeting to determine the reallocation
35 of those monies to other programs or whether those monies shall be used to
36 reduce the school district's primary or secondary property tax levy, or both.

37 ~~P. The department of education shall conduct a comprehensive review of~~
38 ~~the existing research on full-day kindergarten instruction, including~~
39 ~~academic literature, academic studies and research and reviews conducted by~~
40 ~~public and private institutions on full-day kindergarten instruction. The~~
41 ~~department shall consider research that provides support for full-day~~
42 ~~kindergarten and research that does not provide support for full-day~~
43 ~~kindergarten. The review conducted by the department of education shall~~
44 ~~emphasize longitudinal studies that assess the long-term academic impact of~~
45 ~~full-day kindergarten instruction. The department shall submit a report that~~

1 ~~summarizes the department's findings and conclusions to the governor, the~~
2 ~~president of the senate, the speaker of the house of representatives and the~~
3 ~~joint legislative budget committee on or before December 1, 2005. The~~
4 ~~department shall provide a copy of this report to the secretary of state and~~
5 ~~the director of the Arizona state library, archives and public records.~~

6 ~~Q. Notwithstanding subsection B of this section, the legislature shall~~
7 ~~not consider the appropriation of any additional state monies for full day~~
8 ~~kindergarten instruction after the effective date of this amendment to this~~
9 ~~section until after the joint legislative budget committee has reviewed the~~
10 ~~study prescribed in subsection P of this section.~~

11 ~~R.~~ P. State monies for full-day kindergarten instruction shall not be
12 provided for any pupil who is not at least five years of age before September
13 1 of the school year in which the pupil is enrolled.

14 Q. BEGINNING IN FISCAL YEAR 2006-2007, THE SCHOOL FACILITIES BOARD
15 SHALL CALCULATE KINDERGARTEN PUPILS IN THE SAME MANNER AS PUPILS IN FIRST
16 GRADE.